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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,494	12/17/2001	William Milam	MILAM-002	4077

7590 08/11/2005

INTELLECTUAL PROPERTY DEVELOPMENT  
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EXAMINER
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YODER III, CHRISS S

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/023,494	Applicant(s) MILAM, WILLIAM	
	Examiner Chriss S. Yoder, III	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 05/17/2005 have been fully considered but they are not persuasive.

Applicant argues, with respect to claims 1-2 and 13-15, that Lee (US Patent # 6,147,797) does not disclose the use of a lens mount, but instead discloses a "skirt", 214. The examiner would like to point out that although Lee calls this a "skirt" this is considered to be a "lens mount" by the examiner as it performs the exact same functions as a "lens mount" regardless of what it is called in the reference. Applicant also states that this cannot be considered a lens mount because of the fact that there is an operative lens 212 provided in the camera. However, as further evidence that this is the equivalent of a lens mount, the examiner provides an additional reference that discloses the use of a lens mount on a camera having an internal lens. Niikawa et al. (US Patent # 6,704,053) discloses the use of a camera 1 having a lens mount 20 and an internal lens 302.

Applicant also argues that Lee (US Patent # 6,147,797) does not disclose the use of a lens emulating flange opposing a coupling because the camera has a lens 212 fixed in the camera, therefore, it does not serve to emulate a camera lens. However, just because there is a lens 212 fixed in the camera 210, does not prevent the adapter disclosed by Lee from emulating a lens. As further evidence of this, the examiner refers to Niikawa et al. (US Patent # 6,704,053) in figure 2, reference numerals 301 and 302.

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As can be seen in Niikawa, the use of a lens 302 fixed in a camera does not prevent the use of an attachable lens system that emulates a camera lens.

Applicant argues, with respect to claims 3-6 and 16-19, that Lee (US Patent # 6,147,797) does not disclose the use of emulating a lens in the camera. However, the examiner is considering the entire attachment device shown in figure 6 to emulate the use of a camera lens. As for having no motivation by teachings of Lee '797 to modify the reference teachings of Lee '797 in a manner to yield an emulating mechanism as applicant now claims, the examiner points out that there is no need for a singular reference to have motivations by teaching to modify the singular reference.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US Patent # 6,147,797).
2. In regard to claim 1, note Lee discloses the use of affixing a replacement camera comprising a lens mount to a camera adapter coupling (figure 6: the camera 210 has a lens mount 214 where the adapter 220-240 is attached to the camera) wherein the camera adapter coupling comprises an attachment end and a lens emulating end

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opposing the upgrade end (figure 6: the adapter has a lens emulating end 220-266; the adapter connects to the camera using the lens mount 224 that connects to mount 214 and has a lens 266; this lens emulating end connects to the camera in order to emulate the camera lens; and is opposite the upgrade end 284-295) and wherein the camera is affixed to the camera adapter coupling by mating the lens emulating end with the lens mount (figure 6: 214 is attached to 224) and mating the attachment end of the camera adapter coupling to an existing mating receptacle on an optical assemblage (column 7, lines 17-19).

3. In regard to claim 2, note Lee discloses that the camera is a digital camera (column 5, line 40; 210 is a digital camera).

4. In regard to claim 13, note Lee discloses the use of a replacement coupling receptacle that mounts on an optical assemblage and accepts a camera adapter coupling (column 7, lines 17-19; and figure 6: 220-295, the adapter couples to the microscope) and camera adapter coupling comprising a first end that mates with the replacement coupling receptacle (column 7, lines 17-19; the first end mates to the microscope) and a second end being a lens-emulating end (column 5, line 66 - column 6, line 1; and figure 6: the adapter has a lens emulating end 220-266; the adapter connects to the camera using the lens mount 224 that connects to mount 214 and has a lens 266; this lens emulating end connects to the camera in order to emulate the camera lens).

5. In regard to claim 14, note Lee discloses the use of a camera (column 5, line 40).

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6. In regard to claim 15, note Lee discloses that the camera is a digital camera (column 5, line 40; 210 is a digital camera).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-6 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent # 6,147,797) in view of Steinberg et al. (US Patent # 6,628,325).

8. In regard to claim 3, note Lee discloses a computer that receives a digital image from the digital camera by way of a digital interface (column 4, lines 17-19; and figure 2: 90 and 110). Therefore, it can be seen that the Lee device fails to store the digital image on computer readable media. Steinberg discloses the use of an external device to store the image on a computer readable medium (column 2, lines 5-10). Steinberg teaches that the storage of the image on a computer readable medium is preferred in order to store the image data along with other image information (column 2, lines 5-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the storage of the image on a computer readable medium in order to store the image together with other image information.

9. In regard to claim 4, note Steinberg discloses receiving parametric data associated with the digital image and storing the parametric data on computer readable

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media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image is related to the image and is considered to be parametric).

10. In regard to claim 5, note Steinberg discloses receiving date and/or time data associated with the digital image and storing the date and/or time data on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the date and/or time).

11. In regard to claim 6, note Steinberg discloses receiving position information and storing the position information on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the location). Therefore, it can be seen that the primary reference of Lee in view of Steinberg lacks the use of satellite-based or terrestrial positioning system to receive position information. Official notice is taken that the concepts and advantages of satellite-based or terrestrial positioning system to receive position information are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Lee in view of Steinberg to include the use of satellite-based or terrestrial positioning system to receive position information in order to obtain the location information anywhere in the world.

12. In regard to claim 16, note Lee discloses the use of a computing device that connects to the digital camera using a digital interface (column 4, lines 17-19; and figure

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2: 90 and 110). Therefore, it can be seen that the Lee device lacks the use of a computing device with a computer readable media for storing the images and a software program that executes in the computing device and controls the digital interface to acquire digital images from the digital camera and store said images on the computer readable media. Steinberg discloses the use of a computing device with a computer readable media for storing the images (column 2, lines 5-10) and a software program that executes in the computing device and controls the digital interface to acquire digital images from the digital camera and store said images on the computer readable media (although not stated, in order for the computer to function, there has to be a software program to control the functions). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the use a computing device with a computer readable media for storing the images and a software program that executes in the computing device and controls the digital interface to acquire digital images from the digital camera and store said images on the computer readable media in order to store the image together with other image information.

13. In regard to claim 17, note Steinberg discloses a parametric data module that accepts parametric data from a user and stores the parametric data on the computer readable media together with a reference to the digital images (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image is related to the image and is considered to be parametric).

14. In regard to claim 18, note Steinberg discloses comprises a date/time data module that accepts date and/or time data from a time source and stores the date



and/or time data on the computer readable media together with a reference to the digital images (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the date and/or time).

15. In regard to claim 19, note Steinberg discloses receiving position information and storing the position information on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the location). Therefore, it can be seen that the primary reference of Lee in view of Steinberg lacks the use of satellite-based or terrestrial positioning system to receive position information. Official notice is taken that the concepts and advantages of satellite-based or terrestrial positioning system to receive position information are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Lee in view of Steinberg to include the use of satellite-based or terrestrial positioning system to receive position information in order to obtain the location information anywhere in the world.

16. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent # 6,147,797).

17. In regard to claim 7, note Lee discloses the attaching of an upgrade receptacle to the optical assemblage (column 7, lines 17-19; the adapter is attached to the microscope), affixing a replacement camera comprising a lens mount to a camera adapter coupling (figure 6: the camera 210 has a lens mount 214 where the adapter 220-240 is attached to the camera) wherein the camera adapter coupling comprises an

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attachment end and a lens emulating end opposing the upgrade end (figure 6: the adapter has a lens emulating end 220-266; the adapter connects to the camera using the lens mount 224 that connects to mount 214 and has a lens 266; this lens emulating end connects to the camera in order to emulate the camera lens; and is opposite the upgrade end 284-295) and wherein the camera is affixed to the camera adapter coupling by mating the lens emulating end with the lens mount (figure 6: 214 is attached to 224), and mating the attachment end of the camera adapter coupling to the an existing mating receptacle on an optical assemblage (column 7, lines 17-19).

Therefore, it can be seen that the Lee device fails to disclose the removal of an original camera attachment means from the imaging instrument. Although not explicitly stated, it would have been obvious that the removal of the original camera attachment means from the optical assemblage is necessary in order for the upgrade to be attached to the assemblage (as stated by Lee in column 1, lines 15-63 and column 2, lines 20-23; the camera adapter can be attached/detached). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the removal of the original camera attachment means from the optical assemblage of an imaging instrument in order to allow the upgrade of the attachment means for a new camera.

18. In regard to claim 8, note Lee discloses that the camera is a digital camera (column 5, line 40; 210 is a digital camera).

19. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent # 6,147,797) in view of Steinberg et al. (US Patent # 6,628,325).

20. In regard to claim 9, note Lee discloses a computer that receives a digital image from the digital camera by way of a digital interface (column 4, lines 17-19; and figure 2: 90 and 110). Therefore, it can be seen that the Lee device fails to store the digital image on computer readable media. Steinberg discloses the use of an external device to store the image on a computer readable medium (column 2, lines 5-10). Steinberg teaches that the storage of the image on a computer readable medium is preferred in order to store the image data along with other image information (column 2, lines 5-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Lee device to include the storage of the image on a computer readable medium in order to store the image together with other image information.

21. In regard to claim 10, note Steinberg discloses receiving parametric data associated with the digital image and storing the parametric data on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image is related to the image and is considered to be parametric).

22. In regard to claim 11, note Steinberg discloses receiving date and/or time data associated with the digital image and storing the date and/or time data on computer readable media together with a reference to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the date and/or time).

23. In regard to claim 12, note Steinberg discloses receiving position information and storing the position information on computer readable media together with a reference

to the digital image (column 2, lines 5-10 and column 8, lines 42-48; the information stored with the image includes the location). Therefore, it can be seen that the primary reference of Lee in view of Steinberg lacks the use of satellite-based or terrestrial positioning system to receive position information. Official notice is taken that the concepts and advantages of satellite-based or terrestrial positioning system to receive position information are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary reference of Lee in view of Steinberg to include the use of satellite-based or terrestrial positioning system to receive position information in order to obtain the location information anywhere in the world.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

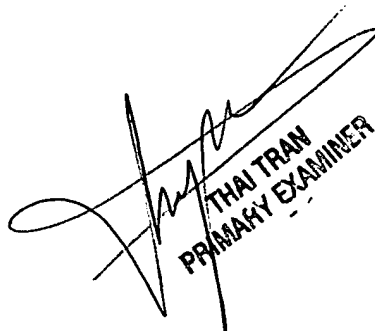
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY  
July 27, 2005



THAI TRAN  
PRIMARY EXAMINER